

Appl. No. 09/475,190  
Amdt. Dated August 20, 2004  
Reply to Office action of May 21, 2004  
Attorney Docket No. P12414/040020-167  
EUS/J/P/04-8193

### **REMARKS/ARGUMENTS**

#### **1.) Claim Amendments**

Claim 21 has been previously cancelled; Applicant respectfully submits no new matter has been added. Accordingly, Claims 1-20 and 22-52 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

#### **2.) Claim Rejections – 35 U.S.C. § 102(e)**

The Examiner rejected claims 1-4, 6-10, 12-19, 37-41, 43, 44, and 46-52 under 35 U.S.C. § 102(e) as being anticipated by Skelly et al. (US 6,661,810). The Examiner maintained his previous 102(e) rejection using the Skelly reference by further stating that "Applicant's argument filed on March 10, 2004 have been fully considered but they are not persuasive." In that regard, Applicant extremely appreciates the Examiner's consideration of Applicant's arguments filed on March 10, 2004 and the Examiner providing additional remarks as to why the Examiner believes Applicant's argument to be non-persuasive.

As disclosed in Skelly (Col. 13, lines 42-60), when the two clocks are perfectly synchronized, the difference between the sending time stamp and the receiving time stamp is the end-to-end network delay experience by that particular packet in going from the sender to the receiver. However, if the two clocks are not perfectly synchronized, this difference between the two time stamps includes not only the end-to-end network delay, but also the clock offset. In that regard, given only one-way communication or measurement, in accordance with Skelly, one cannot distinguish the offset from the total measurement, unless there is a separate means to determine the network delay. The Examiner provided similar explanations in rejecting the pending claims as stated above. However, the Examiner then incorrectly stated that the above explanation somehow disclosed or taught the currently recited step of "providing the second node's estimation of a time interval" within a reply time stamp message that is sent from the second node to the first node in response to receiving a time stamp message therefrom. However, Applicant respectfully submit that Skelly merely

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discloses a method for distinguishing the clock offset from the network delay by continuously monitoring the gradual increase or decrease in the time differences. In that regard, Skelly determines the clock offset assuming that there is a constant clock skew between the two clocks. Accordingly, when there is a constant clock skew between the two clocks, by monitoring the gradual increase or decrease over time, one could determine the actual amount of increase or decrease in the clock offset which would be proportional to the time duration of observation. (Skelly, Col. 14, 61-67). Accordingly, rather than receiving "the second node's estimation of a time interval" in the reply time stamp transmitted by the second node to the first node, the receiving node in Skelly actually monitors the gradual increase or decrease in the time difference to estimate and determine the clock skew.

On the other hand, in accordance with the teachings of the present invention, in response to receiving a time stamp message at the second node from the first node, the second node replies with a reply time stamp message. This reply-time stamp message contains not only the time of transmission of the reply-time stamp message, but also the second node's estimation of a time interval. After receiving this reply-time stamp message, the first node then calculates an estimated frequency deviation of the oscillator in the first node using the second node's estimation of the time interval. In that regard, Applicant once again respectfully submits that Skelly mentions nothing about the sender (second node) providing the receiver (first node) with the sender's estimation of the time interval as currently claimed.

Simply stated, the present invention discloses and claims a method wherein the sending node sends not only its "time of day" information when transmitting a packet to the receiving node (as disclosed in Skelly), but it also sends information regarding how accurate it believes that information to be from its own estimation. In other words, the sending node sends its time information as well as how accurate it believes that time information to be to the receiving node. Again, no such step of including the sending node's own estimation of time accuracy in the reply-time stamp message is disclosed or taught by Skelly.

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Since Skelly simply fails to anticipate or render obvious each and every step recited in now pending independent Claim 1, Applicant respectfully requests the Examiner's favorable reconsideration and an issuance of Notice of Allowance. Applicant further submits that all other remaining independent Claims (20, 37, and 42) recite similar limitations and, for at least the same reason as stated above, are further in condition for allowance.

**3.) Claim Rejections – 35 U.S.C. § 103 (a)**

The Examiner rejected claims 5, 11, 20, 22-36, 42 and 45 under 35 U.S.C. § 103(a) as being unpatentable over Skelly in view of Greer et al. (US 5,697,082). Since Greer similarly fails to disclose the step of transmitting the sending node's own estimate of the accuracy of the time information being included in the reply message as stated above, independent claim 20 is patentable over the cited references. The remaining dependent claims depend from now allowable independent Claims and recite further limitations in combination with the novel elements of their respective independent claim. A Notice of Allowance is earnestly requested.

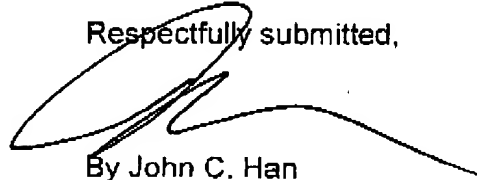
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### CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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